

State of California
Division of Occupational Safety and Health
Cal/OSHA Process Safety Management District Office
1450 Enea Circle, Suite 550 (Index Code 4037)
Concord, CA 94520-7996
Phone: (925) 602-2665 Fax: (925) 602-2668



Citation and Notification of Penalty

To:
Chevron Products Company

and its successors
841 Chevron Way
Richmond, CA 94801-2006

Inspection Number: 311070239
Inspection Date(s): 07/22/2008 - 09/30/2008

Issuance Date: 09/30/2008
CSHO ID: H1278
Optional Report #: 003-09
Reporting ID: 0950663

Inspection Site:
841 Chevron Way
Richmond, CA 94801-2006

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

AMENDED CITATION

This Citation and Notification of Penalty (hereinafter Citation) is being issued in accordance with California Labor Code Section 6317 for violations that were found during the inspection/investigation. **This Citation or a copy must be prominently posted upon receipt by the employer at or near the location of each violation until the violative condition is corrected or for three working days, whichever is longer.** Violations of Title 8 of the California Code of Regulations or of the California Labor Code may result in some instances in prosecution for a misdemeanor.

YOU HAVE A RIGHT to contest this Citation and Notification of Penalty by filing an appeal with the Occupational Safety and Health Appeals Board. To initiate your appeal, you **must** contact the Appeals Board, in writing or by telephone, within 15 working days from the date of receipt of this Citation. If you miss the 15 working day deadline to appeal, the Citation and Notification of Penalty becomes a final order of the Appeals Board, not subject to review by any court or agency.

Informal Conference - You may request an informal conference with the Manager of the District Office which issued the Citation within 10 working days after receipt of the Citation. However, if the citation is appealed, you may request an informal conference at any time prior to the day of the hearing. Employers are encouraged to schedule a conference at the earliest possible time to assure an expeditious resolution of any issues. At the informal conference, you may discuss the existence of the alleged violation, classification of the violation, abatement date or proposed penalty.

Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an agreement which resolves this matter without litigation or contest.

APPEAL RIGHTS

The Occupational Safety and Health Appeals Board (Appeals Board) consists of three members appointed by the Governor. The Appeals Board is a separate entity from the Division of Occupational Safety and Health (Division) and employs experienced attorneys as administrative law judges to hear appeals fairly and impartially. To initiate an appeal from a Citation and Notification of Penalty, you must contact the Appeals Board, in writing or by telephone, within 15 working days from the date of receipt of a Citation. After you have initiated your appeal, you must then file a completed appeal form with the Appeals Board, at the address listed below, for each contested citation. Failure to file a completed appeal form with the Appeals Board may result in dismissal of the appeal. Appeal forms are available from district offices of the Division, or from the Appeals Board:

Occupational Safety and Health Appeals Board

2520 Venture Oaks Way, Suite 300

Sacramento, CA 95833

Telephone: (916) 274-5751

Fax: (916) 274-5785

If the Citation you are appealing alleges more than one item, you must specify on the appeal form which items you are appealing. You must also attach to the appeal form a legible copy of the Citation you are appealing.

Among the specific grounds for an appeal are the following: the safety order was not violated, the classification of the alleged violation (e.g., serious, repeat, willful) is incorrect, the abatement requirements are unreasonable or the proposed penalty is unreasonable.

Important: You must notify the Appeals Board, not the Division, of your intent to appeal within 15 working days from the date of receipt of the Citation. Otherwise, the Citation and Notification of Penalty becomes a final order of the Appeals Board not subject to review by any court or agency. An informal conference with the Division does not constitute an appeal and does not stay the 15 working day appeal period. If you have any questions concerning your appeal rights, call the Appeals Board, (916) 274-5751.

PENALTY PAYMENT OPTIONS

Penalties are due within 15 working days of receipt of this Citation and Notification of Penalty unless contested. If you are appealing any item of the citation, remittance is still due on all items that are not appealed. Enclosed for your use is a Penalty Remittance Form for payment.

If you are paying by credit card (MasterCard and Visa), please have the Penalty Remittance Form on-hand when you are ready to make our payment. The company name, index code, reporting ID, and Citation number(s) will be required in order to ensure that the payment is accurately posted to your account. Please go to www.dir.ca.gov/dosh to access the secure payment processing site.

If you are paying by check, return one copy of the Citation, along with the Notice of Proposed Penalties Sheet and the Penalty Remittance Form and mail to:

Department of Industrial Relations
Cashier, Accounting Office
P. O. Box 420603
San Francisco, CA 94142-0603

CAL/OSHA does not agree to any restrictions, conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

NOTIFICATION OF CORRECTIVE ACTION

For violations which you do not contest, you should notify the Division of Occupational Safety and Health promptly by letter that you have taken appropriate corrective action within the time frame set forth on this Citation and Notification of Penalty. Please inform the District Office listed on the Citation by submitting the CAL/OSHA Form 160 and/or 161 with the abatement steps you have taken and the date the violation was abated, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc. The adjusted penalty for serious and general violations **has already been** reduced by 50% on the presumption that the employer will correct the violations by the abatement date. **If the CAL/OSHA Form 161 is not received in the District Office within 10 days following the abatement date, the abatement credit is revoked, causing the penalty to double.**

Note: Return the CAL/OSHA Form 160/161 to the District Office listed on the Citation and as shown below:

Division of Occupational Safety and Health
Northern California Process Safety Management District Office
1450 Enea Circle, Suite 550
Concord, CA 94520

EMPLOYEE RIGHTS

Employer Discrimination Unlawful - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under Labor Code Section 6310 or 6311. An employee who believes that he/she has been discriminated against may file a complaint no later than six (6) months after the discrimination occurred with the Division of Labor Standards Enforcement.

Employee Appeals - An employee or authorized employee's representative may, within 15 working days of the issuance of a citation, special order, or order to take special action, appeal to the Occupational Safety and Health Appeals Board the reasonableness of the period of time fixed by the Division of Occupational Safety and Health (Division) for abatement. An employee appeal may be filed with the Appeals Board or with the Division. No particular format is necessary to initiate the appeal, but the notice of appeal must be in writing.

If an Employee Appeal is filed with the Division, the Division shall note on the face of the document the date of receipt, include any envelope or other proof of the date of mailing, and promptly transmit the document to the Appeals Board. The Division shall, no later than 10 working days from receipt of the Employee Appeal, file with the Appeals Board and serve on each party a clear and concise statement of the reasons why the abatement period prescribed by it is reasonable.

Employee Appeal Forms are available from the Appeals Board, or from a District Office of the Division.

Employees Participation in Informal Conference. Affected employees or their representatives may notify the District Manager that they wish to attend the informal conference. If the employer objects, a separate informal conference will be held.

DISABILITY ACCOMMODATION

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the programs of the Division of Occupational Safety and Health, should contact the Disability Accommodation Coordinator at the local district office or the Statewide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The Statewide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing or conference.

State of California

Division of Occupational Safety and Health

Cal/OSHA No. CA PSM District Office (0950663;4037)

1450 Enea Circle, Suite 550

Concord, CA 94520

Inspection Number: 311070239**Inspection Dates:** 07/22/2008-09/30/2008**Issuance Date:** 09/30/2008**CSHO ID:** H1278**Optional Inspection Nbr:** 003-09

Phone: (925) 602-2665 Fax: (925) 602-2668

Citation and Notification of Penalty**Company Name:** Chevron Products Company**Inspection Site:** 841 Chevron Way, Richmond, CA 94801-0006**Citation 1 Item 1** Type of Violation: **General**

3329(b) Pipelines

All pressure piping shall be designed, constructed, installed, and maintained in accordance with good engineering practice. Piping which meets the requirements of the applicable ANSI B31 standard shall be considered as providing reasonable safety:

March 2003 - August 2008: Employer failed to maintain its "#1 Lead AvGas Line" and #2 AvGas @ Ethyl Building Line" piping in accordance with good engineering practice after having identified severe corrosion, structural deficiencies and ultimately the failure of the piping containing tetraethyl lead, a known carcinogen. Employer's inspections generated written recommendations to perform extensive replacements of corroded piping, repair of failed protective coatings and supports, and elimination of structural deficiencies. The majority of the recommendations were never implemented; yet the employer continued to operate the piping until August, 2008 before performing a fitness-for-service evaluation and installing clamps.

Date By Which Violation Must be Abated:

11/02/2008

Proposed Penalty:

\$ 300.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California

Division of Occupational Safety and Health
Cal/OSHA No. CA PSM District Office (0950663;4037)
1450 Enea Circle, Suite 550
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Inspection Dates: 07/22/2008 - 09/30/2008

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Phone: (925) 602-2665 Fax: (925) 602-2668

Citation and Notification of Penalty

Company Name: Chevron Products Company

Inspection Site: 841 Chevron Way, Richmond, CA 94801-0006

AMENDED

"THIS CITATION AMENDS CITATION NO. 1 ISSUED ON 9/30/08 TO CORRECT THE SAFETY ORDER TO READ 5162(b) FOR ITEMS NO. 2. ALL OTHER ITEMS OF THE CITATION AND PENALTY REMAIN UNCHANGED AND EFFECTIVE. THIS AMENDED CITATION SHALL BE POSTED WITH THE ORIGINAL CITATION FOR AT LEAST THREE WORKING DAYS OR UNTIL THE VIOLATIVE CONDITION IS ABATED, WHICHEVER IS LONGER."

Citation 1 Item 2 Type of Violation: **General**

5162(b) Emergency Eyewash & Shower Equipment

An emergency shower which meets the requirements of section 4 or 9 of ANSI Z358.1-1981, incorporated herein by reference, shall be provided at all work areas where, during routine operations or foreseeable emergencies, area of the body may come into contact with a substance which is corrosive or severely irritating to the skin or which is toxic by skin absorption. And as per section (c), emergency eyewash facilities and deluge showers shall be in accessible locations that require no more than 10 seconds for the injured person to reach. If both an eyewash and shower are needed, they shall be located so that both can be used at the same time by one person. The area of the eyewash and shower equipment shall be maintained free of items which obstruct their use:

07/28/08 - Ethyl Plant: The Cal OSHA Compliance Engineer observed that employer had failed to provide an emergency shower which was readily assessable, unobstructed and compliant with section (c) to employees performing railcar offloading and subsequent blending of tetraethyl lead. Ready access to only an unidentified, conventional shower was obstructed by a door normally kept closed. An employee exposed to this carcinogen which is also toxic by skin absorption would be constrained to descend a staircase from a loading platform 26 feet high to reach the shower.

Date By Which Violation Must be Abated:

Proposed Penalty:

Abated

\$ 300.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California

Division of Occupational Safety and Health

Cal/OSHA No. CA PSM District Office (0950663;4037)

1450 Enea Circle, Suite 550

Concord, CA 94520

Inspection Number: 311070239**Inspection Dates:** 07/22/2008 - 09/30/2008**Issuance Date:** 09/30/2008**CSHO ID:** H1278**Optional Inspection Nbr:** 003-09

Phone: (925) 602-2665 Fax: (925) 602-2668

Citation and Notification of Penalty**Company Name:** Chevron Products Company**Inspection Site:** 841 Chevron Way, Richmond, CA 94801-0006**Citation 1 Item 3** Type of Violation: **General**

5189(e)(4) Process Safety Management of Acutely Hazardous Materials

Process Hazard Analysis. (4) The employer shall establish a system to promptly address the (Process Hazards Analysis) team's findings and recommendations; document any actions taken to implement the team's recommendations; develop a written schedule of when these actions are to be completed; assure that the recommendations are resolved in a timely manner; make them available to operating, maintenance and any other persons whose work assignments are in the facility, and who are affected by the recommendations or actions; and assure that the recommendations are evaluated in a timely manner or implement an alternative resolution which appropriately addresses the degree of hazard posed by the scenario:

August 2007: Employer failed to timely evaluate, or to implement an alternative resolution which appropriately addressed the hazard described in the "Temporary TEL Blending Facility" process hazard analysis (PHA) by employer's team as a failure of the corroded #1 Lead Line aviation gas piping resulting in a fire at the A-Drum containing up to 102,000 lbs. of tetraethyl lead, a flammable and toxic carcinogen. Extensive #1 Lead Line piping replacements recommended but not made in 2003 and included in the 2007 PHA were addressed by being deferred until 2009.

Date By Which Violation Must be Abated:

11/02/2008

Proposed Penalty:

\$ 150.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California

Division of Occupational Safety and Health
Cal/OSHA No. CA PSM District Office (0950663;4037)
1450 Enea Circle, Suite 550
Concord, CA 94520

Inspection Number: 311070239**Inspection Dates:** 07/22/2008-09/30/2008**Issuance Date:** 09/30/2008**CSHO ID:** H1278**Optional Inspection Nbr:** 003-09

Phone: (925) 602-2665 Fax: (925) 602-2668

Citation and Notification of Penalty**Company Name:** Chevron Products Company**Inspection Site:** 841 Chevron Way, Richmond, CA 94801-0006

Citation 1 Item 4 Type of Violation: **General****5189(f)(1)(A)(3) Process Safety Management of Acutely Hazardous Materials**

Operating Procedures. (1) The employer shall develop and implement written procedures that provide clear instructions for safely conducting activities involved in each process consistent with the process safety information and shall address at least the following: (A) Steps for each operating phase: (3) Temporary operations as the need arises:

Employer failed to fully implement its temporary operating procedure TBRC5076 "Offload Railcar & Ethylize Aviation Gasoline with Temporary Lead Skid", and failed to provide clear instructions for safely conducting activities associated with the offloading and blending of tetraethyl lead (a known carcinogen which is toxic by absorption) into aviation gasoline in the Ethyl Plant as follows:

- (a) Employer failed to implement the requirement for employees to use polycoated (yellow) Tyvek coveralls; rather, operators were trained to use and provided with uncoated (white) Tyvek coveralls, which are not recommended by the manufacturer for use against liquid chemical exposures;**
- (b) The operating procedure failed to characterize the "severe exposure" upon which basis the employee was directed to select either a face shield or full face respirator, or how the exposure determination was to be made;**
- (c) The operating procedure failed to specify how the employee was to positively confirm the rail car had been fully offloaded before disconnecting the loading arm;**
- (d) The operating procedure failed to specify the number of employees necessary to safely perform the tetraethyl lead offloading and blending operations, along with the delineation of their respective duties**

Date By Which Violation Must be Abated:**11/02/2008****Proposed Penalty:****\$ 150.00**

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California

Division of Occupational Safety and Health
Cal/OSHA No. CA PSM District Office (0950663;4037)
1450 Enea Circle, Suite 550
Concord, CA 94520

Inspection Number: 311070239

Inspection Dates: 07/22/2008-09/30/2008

Issuance Date: 09/30/2008

CSHO ID: H1278

Optional Inspection Nbr: 003-09



Phone: (925) 602-2665 Fax: (925) 602-2668

Citation and Notification of Penalty

Company Name: Chevron Products Company

Inspection Site: 841 Chevron Way, Richmond, CA 94801-0006

Citation 1 Item 5 Type of Violation: **General**

5189(j)(3) Process Safety Management of Acutely Hazardous Materials

Mechanical Integrity: Equipment deficiencies. The employer shall correct deficiencies in equipment which are outside acceptable limits defined by the process safety information in subsection (d) before further use, or in a safe and timely manner provided means are taken to assure safe operation:

March 2003 - August 2008: Employer failed to maintain its "#1 Lead AvGas Line" and #2 AvGas @ Ethyl Building" piping in accordance with good engineering practice after having identified severe corrosion, structural deficiencies and ultimately the failure of the piping containing tetraethyl lead, a known carcinogen. Employer's inspections generated written recommendations to perform extensive replacements of corroded piping, repair of failed protective coatings and supports, and elimination of structural deficiencies. The majority of the recommendations were never implemented; yet the employer continued to operate the piping until August, 2008 before performing a fitness-for-service evaluation and installing clamps.

Date By Which Violation Must be Abated:

11/02/2008

Proposed Penalty:

\$ 300.00

Phone: (925) 602-2665 Fax: (925) 602-2668
Compliance Officer/District Manager

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California

Division of Occupational Safety and Health

Cal/OSHA Process Safety Management District Office

1450 Enea Circle, Suite 550 (Index Code 4037)

Concord, CA 94520-7996

Phone: (925) 602-2665 Fax: (925) 602-2668

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NOTICE OF PROPOSED PENALTIES

Company Name: Chevron Products Company
Inspection Site: 841 Chevron Way, Richmond, CA 94801-2006
Mailing Address: 841 Chevron Way, Richmond, CA 94801-2006

Issuance Date: 10/02/2008

Reporting ID: 0950663
Index Code: 4037

Summary of Penalties for Inspection Number 311070239

Citation 1, General	= \$	1200.00
TOTAL PROPOSED PENALTIES	= \$	1200.00

Penalties are due within 15 working days of receipt of this notification unless contested. If you are appealing any item of this citation, remittance is still due on all items that are not appealed. Enclosed for your use is a Penalty Remittance Form.

If you are paying by credit card (MasterCard and Visa): Please have this form on-hand when you are ready to make your payment. The company name, index code, reporting ID and Citation number(s) will be required to ensure that the payment is accurately posted to your account. Please go to www.dir.ca.gov/dosh to access the secure payment processing site.

If you are paying by check: Mail this Notice of Proposed Penalties, the Penalty Remittance Form, along with a copy of the Citation and Notification of Penalty to:

DEPARTMENT OF INDUSTRIAL RELATIONS
CASHIER, ACCOUNTING OFFICE
P. O. BOX 420603
SAN FRANCISCO, CA 94142-0603

CAL/OSHA does not agree to any restrictions, conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions or endorsements do not exist.

DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH - CAL/OSHA
Cashier, Accounting Office
P.O. Box 420603
San Francisco, CA 94142-0603
Phone (415) 703-4291 or (415) 703-4295 FAX (415) 703-3037

PENALTY REMITTANCE FORM

CIVIL PENALTY INFORMATION INSPECTION NUMBER 311070239 REPORTING ID 0950663 INDEX CODE 4037

ESTABLISHMENT NAME Chevron Products Company

CONTACT PERSON _____

PHONE NO. _____

FAX NO. _____

SITE ADDRESS

841 Chevron Way, Richmond

MAILING ADDRESS

841 Chevron Way, Richmond, CA, 948012006

CITATION INFORMATION (Penalties are due within 15 working days of receipt of this notification unless contested. If you are appealing any item of this citation, remittance is still due on all items that are not appealed.)

Payment is for the following Citation Items: e.g. Citation 1, Items 1-5; Citation 3

TYPE OF PAYMENT ENCLOSED

CHECK OR MONEY ORDER INFORMATION

CHECK ENCLOSED IN THE AMOUNT OF

\$

MONEY ORDER ENCLOSED IN THE AMOUNT OF

\$

(Please make check or money order payable to **CAL/OSHA** and mail to the Cashier, Accounting Office, at the above address. Reference the Inspection Number on the "memo" portion of your check or money order.)

Go to www.dir.ca.gov/dosh to access the on-line third party secure payment processing site.

OR Complete this section and fax to (415) 703-3037

CREDIT CARD INFORMATION

VISA OR MASTERCARD CREDIT CARD NO. _____

EXPIRATION DATE _____

CREDIT CARD SECURITY CODE (last 3 digits on back of card) _____

NAME OF CARDHOLDER _____

SIGNATURE _____

CARDHOLDER PHONE NO. _____

FAX NO. _____

AMOUNT OF PAYMENT \$ _____

----- FOR OFFICE USE ONLY -----

AUTHORIZATION NO. _____

DATE PROCESSED _____

PROCESSED BY _____

Please call (415) 703-4291 or 703-4295 or complete the information above and fax to (415) 703-3037

Cal/OSHA-2 PRF Rev 7/08

STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH
Northern California Process Safety Management District Office
1450 Enea Circle, Suite 550
Concord, CA 94520-7996
Ph.: (925) 602-2665

**EMPLOYER'S SIGNED STATEMENT OF ABATEMENT OF
REGULATORY AND/OR GENERAL VIOLATIONS**

EMPLOYER: Chevron Products Company
ADDRESS: 841 Chevron Way
Richmond, CA 948012006

The law requires that violations observed during the inspection/investigation completed on 09/30/2008 of the place of employment located at 841 Chevron Way, Richmond, CA be corrected within the time limit specified. Please notify the Division as soon as these conditions have been corrected by returning this completed form. Your response by completing, signing and mailing this form to the issuing office on or before the compliance date may avoid a follow-up inspection of your facilities. **Failure to timely complete and return this form may result in issuance of a citation and civil penalty for violation of 8CCR 340.4(c).**

NOTE: This form does not serve as a request for a time extension. If there are serious problems beyond your control that prevent meeting a specified abatement date, contact the Division early, well within the 15-day limit allowed for an appeal.

PLEASE COMPLETE AND MAIL BY 11/02/08

This signed statement or a summary shall be posted for three (3) working days at or near each place the regulatory and/or general violation(s) referred to in the citation occurred.

LIST THE SPECIFIC MEASURES & EQUIPMENT TAKEN TO CORRECT EACH CITATION & ITEM NUMBER OF THE UNSAFE CONDITIONS AND DATE OF ABATEMENT.

☐ Continued on additional page

All affected employees and their representatives have been informed about abatement activities referenced in this document in conformance with 8CCR Section 340.4(g). ☐ Yes ☐ No

This certifies that all unsafe conditions listed in the Division's citation dated 09/30/08 have now been corrected and all submitted abatement information is accurate.

Signature: _____ Date: _____

Name: _____ Title: _____

OFFICE USE ONLY	
Division Engineer/Industrial Hygienist: _____	Date _____
District Manager: _____	Date _____
<input type="checkbox"/> Close/Comments	
Region <u>6</u> District <u>3</u> Inspection No. <u>311070239</u> Identification No. <u>H1278</u> Cal/OSHA Rpt. No. & Fiscal Year <u>003-09</u>	

Date mailed or delivered: 10/02/08

Cal/OSHA 160 (09/01/2000)